

**REMARKS:**

**I. Introduction**

In the Office Action mailed on February 7, 2005, the Examiner rejected claims 1 to 12, 15, 16, and 20 to 24. The present amendment cancels no claims, amends no claims, and adds no new claims. Accordingly, claims 1 to 12, 15, 16, and 20 to 24 remain pending in this application.

**II. Claim Rejections Based on 35 U.S.C. § 102(b)**

The Examiner rejected claims 1, 2, 7 to 12, and 20 to 24 under 35. U.S.C. § 102(b) as anticipated by Rethorn (US 1,131,553).

Independent claim 1 and claims dependent therefrom are allowable because they each include the limitation of “a brace movable along the tines between first and second positions to change effective stiffness of the flexible tines” (emphasis added) and “a locking device releasably securing the brace to the head in the first and second positions” (emphasis added). No prior art of record reasonably discloses or suggests the present invention as currently defined by independent claims 1. The Examiner stated that Rethorn discloses “a brace (24) movable along the tines from a first position to a second position, thereby changing the effective stiffness of the tines (see Fig. 2).” Rethorn is silent as to whether the tines (16) are flexible or rigid. However, Rethorn clearly discloses a “bow rake.” Bow rakes have a plurality of tines which are short and stiff and do not resiliently flex while raking. Movement of the brace (24) along these rigid tines (16) does not change the effective stiffness of the rigid tines (16). The tines (16) remain rigid regardless of the position of the brace (24) along the tines (16). The

Examiner also stated that Rethorn discloses "a locking device (28) releasably securing the brace to the head in the first and second positions. Rethorn discloses a handle (28) that moves the brace (24) outwardly along the tines (16) when manipulated against the bias of a spring (26) to push off any leaves etc. that are impaled on the tines (16). See Rethorn, lines 81 to 91. When the handle (28) is released, the spring (26) resiliently returns all the components, including the brace (24), to their normal or storage position. See Rethorn, lines 92 to 95. Thus, the brace (24) of Rethorn is releasably secured to the head (15) in only one position. The brace cannot be secured in any other position than the normal storage position. There is no need to ever secure the brace (24) of Rethorn in any other position but its normal position because the brace (24) is not utilized during raking of leaves. The brace (24) is only used to clean the tines (16) of leaves after raking. Reconsideration and withdrawal of the rejection is requested.

Independent claim 20 and claims dependent therefrom are allowable because they each include the limitation of "a brace movable along the tines between first and second positions to change effective stiffness of the flexible tines" (emphasis added) and "a locking device releasably securing the brace to the head in the first and second positions and at locations between the first and second positions" (emphasis added). No prior art of record reasonably discloses or suggests the present invention as currently defined by independent claim 20. See discussion above with regard to independent claim 1. Reconsideration and withdrawal of the rejection is requested.

### **III. Claim Rejections Based on 35 U.S.C. § 103(a)**

The Examiner rejected claims 3 to 6, 15, and 16 under 35. U.S.C. § 103(a) as unpatentable over Rethorn (US 1,131,553).

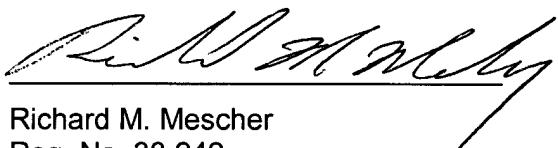
Claims 3 to 6, 15 and 16 are allowable as depending from allowable claim 1 as discussed above and independently allowable for novel and nonobvious matter contained therein. Reconsideration and withdrawal of the rejection is requested.

#### IV. CONCLUSION

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-2326.

Respectfully submitted,



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May 2, 2005

Re. Application Number 10/789,880

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